

May 29, 1957

Mr. Sam Cline
Milford, Utah

RE: BEAVER RIVER
DISTRIBUTION

Dear Sir:

Reference is made to your letter of May 24, 1957 in which you request our ideas as to whether or not the water commissioner should regulate Rocky Ford Reservoir, with reference to the delivery of the first 7500 ac. ft. of water to the Minersville Reservoir & Irrigation Co., please be advised as follows.

As the first 7500 ac. ft. of water is set forth in the decree and both the Rocky Ford Irrigation Company and the Minersville Reservoir and Irrigation Company recognize the right, it would seem the jurisdiction of this water should be under the direction of the Beaver River Water Commissioner to provide proper distribution.

In the near future a meeting will be held with the Beaver River Water Commissioner, at which meeting a discussion will be held on this and related matters.

Yours very truly

DCN/vg

Wayne D. Criddle *cc*
STATE ENGINEER

CLINE, WILSON & CLINE

ATTORNEYS AT LAW

SAM CLINE
MILFORD, UTAH
E. VANCE WILSON
FILLMORE, UTAH
HAROLD CLINE
MILFORD, UTAH

Milford, Utah,
May 24, 1957.

Mr. Wayne D. Criddle,
State Engineer,
Capitol Building,
S.L.C.

Dear Mr. Criddle:

The Beaver River General Adjudication water decree provides that Minersville Reservoir and Irrigation Company is entitled to the first 7500 acre feet of water each irrigation season which is impounded in the Minersville Reservoir.

The decree also provides that it is the duty of the water commissioner to enforce the terms of the decree.

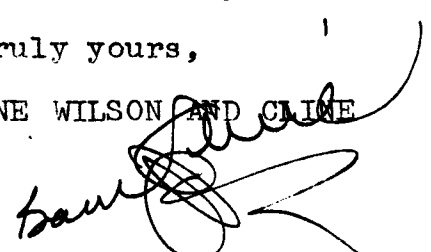
Sometime ago I spoke to Mr. Monsen about this matter and he agreed that it was in order for the State Engineer's Office to advise Mr. Lee Strong, the Beaver River Water Commissioner, that it was a part of his duties in the administration of the Beaver River System under the decree to see to it that the Rocky Ford Reservoir Company who is in control of the reservoir at no time should withdraw as its own water any quantity that would infringe on the rights of the Minersville Res. and Irr Company - or put another way, should at all times leave in the reservoir an amount sufficient to satisfy the unused balance of the Minersville 7500 acre foot right.

Last year the Minersville Res. and Irr Company was shorted 1000 acre feet of water and they are anxious that this not happen again. Minersville Res and Irr Company and Rocky Ford Irr. Company have been negotiating for a settlement of the 1000 acre feet and have tentatively agreed that the water commissioner should and should have the right to check on the amount of water at all times in the reservoir and order sufficient water to be retained in the reservoir at all times to satisfy the 7500 acre foot right.

We would appreciate it if your office would advise us your views on this matter and whether you are in agreement that the Beaver River Commissioner should keep this matter under control.

Very truly yours,

CLINE WILSON AND CLINE
By



vmb-C.

E. A. J. 4
70

April 19, 1957.

Mr. J. H. Idol
10983 Cornish Ave.
Lynwood, California.

Dear Sir:

RE: BEAVER RIVER SYSTEM
(Account No. 58)

Your comments on the reverse side of the attached 1957 assessment notice were forwarded to the Commissioner of the Beaver River Distribution System for investigation and he has advised this office as follows:

(1) The ditch from which you obtain your decreed water is open. The State Road Commission constructed a crossing of the highway by a corrugated pipe for users to obtain their water and the Commissioner advises that such ditch is open.

(2) You have two types of decreed water of which you are entitled to 50% by stipulation as follows:
Decree No. 60 b; Priority 1890; Quantity C.F.S. .63 and
Decree No. 60 c; Priority 1903; Quantity C.F.S. 2.13; (J. H. Idol and Arthur Leon Smith)

(3) The 1903 water right due to drought conditions has received no water since 1952. The 1890 water right received water during 1956 and was used by Mr. Arthur Leon Smith.

In regards to the yearly assessment for expenses of the Commissioner you are advised that the Beaver River Decree sets forth such assessments on a pro-rata basis for each decreed water right therein on 100% delivery, irregardless of the conditions of nature.

It is again respectfully requested that your remittance be received by this office before such water rights become delinquent.

Very truly yours,

FRANK REESE
Chief Accountant

FR/ab

CC: Leland Strong
Box 442, Beaver, Utah.

March 22, 1957.

Mr. Lee Strong
Water Commissioner
Box 442,
Beaver, Utah.

Dear Sir:

RE: BEAVER RIVER
DISTRIBUTION

Enclosed herewith, a letter dated March 19, 1957, from Allen H. Tibbals in which reference is made to rights of Beaver City. It is stated therein that Beaver City at the present time is diverting six second-feet of water, while it appears that they should be limited to the right lls, granted in the Beaver River decree.

The rights Beaver City was granted in the decree are as follows:

BEAVER CITY, a Municipal Corporation.

(a) Priority 1870. Acreage 648. Irrigation. 16.2 c.f.s. From April 1 to Oct. 31 incl. of each year. Said water to be diverted from Beaver River at a point 2050' W. and 1780' S. of the NE Cor. Sec. 23 or at the City Power Plant Tail Race at a point 1520' S. of the N $\frac{1}{2}$ Cor. Sec. 23 T. 29 S. R. 7 W. into a ditch operated jointly by the claimant, et. al, and conveyed thereby and used for irrigation and municipal purposes on all the lots, blocks and land within the present corporate limits of Beaver City, said limits being as follows: Commencing at the SE Cor. Sec. 15, T. 29 S. R. 7 W. S. L. B. & M. running thence W. 160 rods, N. 80 rods, W. 357 rods, S. 206 rods, E. 60 rods, S. 90 rods, E. 28 rods, S. 24 rods, E. 92 rods, N. 24 rods, E. 120 rods, N. 62 rods, E. 48 rods, N. 42 rods to the NW Cor. of Block 7 Plat "C", thence 30 rods N., 60 rods E. 1.40 rods to the East line of Sec. 22 being the Buckner Line; thence N. 60 rods to place of beginning, containing 677 acres.

(b) Priority 1890. Storage Right. See Award No. 2.

2. KENTS LAKE RESERVOIR CO., a corporation, and BEAVER CITY.

(a) Priority 1890. Acreage 1920.0. Supplemental Irrigation. 1660.0 ac. ft. Stored from April 1 to June 30th of each year. Used from April 1 to October 31 incl. of each year. Said water to be diverted from the South Fork of Beaver River at a point N. 69° 05' E. 2820' from the SW Cor. Section 18 T. 29 S., R. 6 W. into a Feeder Ditch and conveyed thereby to and stored in four reservoirs having a combined capacity of 1660 ac. ft. the center of the impounding dams of said reservoirs are located as follows: (a) S. 1° 30' W. 350' from the NE Cor. Sec. 6 T. 30 S., R. 5 W. (b) 633 ft. W. of the SE Cor. of Sec. 36 T. 29 S., R. 5 W. (c) S. 53° W. 726' from the N $\frac{1}{2}$ Cor.

L. S. 3-22-1957. Page 2.

Sec. 6 T. 30 S., R. 5 W. (d) N. 54° 40' E. 1212' from the S $\frac{1}{2}$ Cor. Sec. 31 T. 29 S., R. 5 W. The water so stored to be released as needed to supplement the natural flow of Beaver River and allowed to flow therein to each, either or all of points of diversion from the Mammoth Canal dam to the Beaver City Canal incl. and there rediverted and conveyed in said canals to and upon and used as a supplemental supply to irrigate 1920 acs. of land in the following subdivisions: S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 13; S $\frac{1}{2}$ S $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14; SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 15; S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 16; NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 24; W $\frac{1}{2}$ W $\frac{1}{2}$ Sec. 26; E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ Sec. 27; all in T. 29 S., R. 7 W.

Note: 800 A. F. of this right has been transferred to Three Creeks Reservoir.

(e) Priority 1870. Municipal and Culinary. 2.0 c.f.s. From Jan. 1 to Dec. 31 incl. of each year. Said water to be diverted from each, either or all of five unnamed springs whose points of issuance are as follows: No. 1- S. 55° E. 2600' from NW Cor. Sec. 16)

No. 2- S. 9° W. 1560' from NE Cor. Sec. 17.)

No. 3- S. 30° 58' W. 1458' from E $\frac{1}{2}$ Cor. Sec. 17.) T. 29 S.,

No. 4- S. 55° 47' E. 2092' from W $\frac{1}{2}$ Cor. Sec. 16.)

No. 5- N. 77° 20' E. 1291' from S $\frac{1}{2}$ Cor. Sec. 17.) R. 6 W.

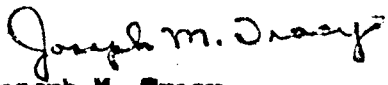
After issuing from above springs said water to be allowed to run in a system of natural channels to a point S. 50° 27' W. 402' from NW $\frac{1}{4}$ Cor. Sec. 20, T. 29 S., R. 6 W., and there collected and diverted into an 8" iron pipe line and conveyed thereby a distance of 14,000 ft. to a settling tank located at a point N. 31° 38' W. 1468' from SE Cor. Sec. 14, T. 29 S., R. 7 W. and from there distributed by means of a system of 6" wooden pipes through the City of Beaver and there used for general municipal purposes; provided that, if at any time the aforesaid springs fail to flow the amount of water required for domestic and municipal purposes hereinbefore set forth, then at such times Beaver City shall have the right and it is hereby given the right to divert from Beaver River such quantities of water as may be required to make up such deficiency up to the full amount above specified.

It is advisable that you check into and correct the matter at once in accordance with said decree as it appears that under right 11 c, Beaver City is entitled to two second-feet of water from five unnamed springs until the flow diminishes below that point after which they may, by direct diversion from the Beaver River, make up the loss to a total of two second-feet up to April 1 when their other rights come into effect.

L. S. 3-22-1957. Page 3.

I trust you will follow your best judgment and make any necessary adjustments in accordance with the Beaver River Decree.

Yours very truly,


Joseph M. Tracy
STATE ENGINEER

DCN/ab

Encl: 1

Copy of Letter from Allen H. Tibbals

CC: Allen H. Tibbals
CC: Stanley McKnight

BOYDEN, TIBBALS, STATEN AND CROFT

LAW OFFICES

SUITE 2 - UTAH BUILDING

351 SOUTH STATE STREET

SALT LAKE CITY 1, UTAH

JOHN S. BOYDEN
ALLEN H. TIBBALS
EARL P. STATEN
BRYANT H. CROFT

March 19, 1957

Mr. Joseph Tracy, State Engineer
State Capitol Building
Salt Lake City, Utah

Beaver River Distribution

Dear Mr. Tracy:

In line with our telephone conversation of yesterday afternoon I wish to advise you that Mr. Stanley McKnight, Secretary of Rocky Ford Irrigation Company, has informed us that the City of Beaver is withdrawing approximately six second feet of water from the Beaver River at the present time which, according to the Beaver River Decree, it is not entitled to receive at this time.

I direct your attention to the Beaver River Decree under Section 11 of that Decree relating to Beaver City. It is there provided that the storage rights shall be as provided in award No. 2 that the direct flow rights shall commence April 1st and that the municipal and culinary rights amounting to 2 C.F.S. shall be diverted as therein provided from five unnamed springs, Provided that in the event the springs are inadequate in flow, the deficiency may be made up by a direct diversion from the Beaver River.

It is my understanding that what is happening is that the water is being diverted at the point referred to in 11(a) and allowed to be used in direct flow irrigation at the present time on the acreage therein referred to. This we believe to be in violation of the decree.

We would greatly appreciate your cooperation in directing the water master by order to limit the use of the water from the direct flow of the Beaver River at the present time to the amount of the deficiency in the spring flow necessary to provide the two second feet referred to in 11(c).

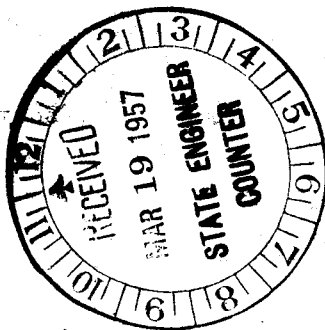
If I can be of further service in connection with this matter, I shall be happy to have you call upon me. I believe you appreciate the importance of the Rocky Ford Reservoir receiving all of the water to which it is entitled at this time and, therefore, the excess diversion to Beaver City is of extreme urgency to us.

Yours very truly,

BOYDEN, TIBBALS, STATEN & CROFT

By Allen H. Tibbals
Allen H. Tibbals

AHT:bg



1970-71 200 100-200 200000 1000000 10000000 100000000

ДОНАТ ДИД. СКАЧАТЬ

FILED 1963 FEB 13

[illegible][illegible]

THE JURY AS BEFORE AND AS THE JUDGES OF THE COURT. THE COURT
CHARGE THEM THAT THE JURY OF THE JUDGES OF THE COURT AS THE JURY OF THE JUDGES
POINT TO THE JURY OF THE JUDGES OF THE COURT AS THE JURY OF THE JUDGES
IN THE JURY OF THE JUDGES OF THE COURT AS THE JURY OF THE JUDGES

[illegible]

07-11186 Decreeo de la Comision de la Reforma Agraria. En el cual se declara que los terrenos que pertenecian a la Corona y a las Indias y que ahora estan en posesion de sus dueños particulares, deben ser vendidos al precio de su valor real.

IN THIS AREA THE DISJOINTING COALBEDDING OF WESTERN MOUNTAIN

DATE: MAY 1964: *File numbered 5000*
 DATE: MAY 1964: *5000*

July Four Plant last year.

April 1 to Oct 31
648 acres

16.28/77
H. Brown at 5
- 13 June